

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Mario Ferbo Mancini,

Case No. 20-cv-2532 (ECT/DTS)

Plaintiff,

v.

**THIRD AMENDED
PRETRIAL SCHEDULING ORDER**

Federal Bureau of Prisons, et al.,

Defendants.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy and inexpensive determination of this action, the following schedule shall govern these proceedings. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3

SUMMARY OF IMPORTANT DATES:

Amended Pleadings Deadline: June 28, 2022

Non-Dispositive Motion Deadline to **Serve and File: May 24, 2023**

Dispositive Motion Deadline to **Serve and File: June 23, 2023**

Trial Ready Date: **September 25, 2023**

PLEADINGS

1. All motions that seek to amend or supplement the pleadings must be filed and served on or before June 28, 2022. The motion shall include a copy of the new proposed pleading which shall incorporate all of the language that is being retained from the pleading that is being modified and the language the party is seeking to add. In order to show the Court and the opposing party which language is being added to the new pleading, and which language is being deleted, the moving party shall attach a redlined version of the pleading showing additions and deletions, or alternatively the moving party shall explain in the memorandum of law which language is being added to the new pleading and which language is being deleted.

DISCOVERY AND NONDISPOSITIVE MOTIONS

1. Written discovery shall be commenced in time to be completed on or before **February 27, 2022**.

2. Written expert disclosures must be served by **March 16, 2022**.

3. All remaining discovery, including all fact and expert depositions, must be completed by **April 27, 2023**.

4. All non-dispositive motions and supporting documents (notice of motion, motion, affidavits, exhibits, memorandum of law, and proposed order), including those which relate to discovery and the discovery period, shall be served on the other party or their attorney, if they are represented by an attorney, and filed with the Court on or before **May 24, 2023**. All non-dispositive motions must comply with Local Rules 7.1(b), 7.1(f) and 37.1(b)-(e) of the U.S. District Court for the District of Minnesota.

5. Responses to non-dispositive motions shall be served on the other party or their attorney, if they are represented by an attorney, and filed with the Court on or before 14 days following service of the original motion. Pursuant to Local Rule 7.1(f), the total word count for any responsive memorandum shall not exceed 12,000 words (including footnotes).

6. All non-dispositive motions will be considered on the written pleadings, without oral argument, unless the Court determines there is a specific need to hold such a hearing.

7. If any party fails to respond to a motion, the failure to respond will be treated as a default, and the relief requested in the motion may be granted.

DISPOSITIVE MOTIONS

1. All dispositive motions and supporting documents (notice of motion, motion, affidavits, exhibits, memorandum of law, and proposed order), shall be served on the other party or their attorney, if they are represented by an attorney, and filed with the Court on or before **June 23, 2023**. All dispositive motions must comply with Local Rules 7.1(c) and 7.1(f).

2. Responses to dispositive motions shall be served on the other party or their attorney, if they are represented by an attorney, and filed with the Court on or before 21 days following service of the original motion. Pursuant to Local Rule 7.1(f), the total word count for any responsive memorandum shall not exceed 12,000 words (including footnotes)

3. All dispositive motions will be considered on the written pleadings, without oral argument, unless the Court determines there is a specific need to hold such a hearing.

4. If any party fails to respond to a motion, the failure to respond will be treated as a default, and the relief requested in the motion may be granted.

TRIAL

This case shall be ready for trial as of **September 25, 2023**.

MISCELLANEOUS

1. Prisoner pro se parties may not register to use the Court's Electronic Court Filing System (ECF) and must file their documents in paper.¹ When a motion, response or reply brief is filed, the original shall be filed with the Clerk of Court at 202 U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.

2. If a party is represented by counsel, all non-dispositive and dispositive motions shall be filed and served in compliance with ECF and in compliance with Local Rules 7.1 and 37.1.

3. If plaintiff fails to adhere to the deadlines set forth in this Pretrial Scheduling Order, the Court will consider recommending dismissal of the claim for failure to prosecute.

4. All parties must serve their papers on opposing counsel or the opposing party if they are not represented by an attorney, at the same time as the papers are filed with the Court. If a party fails to serve their papers on opposing counsel or the opposing party, the Court will **not** consider the contents of the papers filed with the Court.

5. The date documents are mailed shall be the date of service and filing.

6. There shall be no *ex parte* communications by any party or counsel with the Judge or Magistrate Judge. Therefore, any person seeking to communicate with the Judge or Magistrate Judge in writing *must* copy the opposing party or counsel with any written communication.

7. As plaintiff is presently representing himself, he is reminded of the need to obtain and review a copy of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Minnesota. Plaintiff is also directed to the District of Minnesota's webpage: Representing Yourself (Pro Se) on its website. This webpage contains a collection of resources designed to be of assistance to pro se filers.

¹ Parties represented by attorneys are governed by Local Rule 5 and the Electronic Case Filing Procedures for the District of Minnesota.

Resources include a Pro Se Civil Guidebook, glossary and answers to common pro se questions.

Dated: November 28, 2022

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge